

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY


(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 16 JAN 2006

WIPO

PCT

Applicant's or agent's file reference		FOR FURTHER ACTION		See Form PCT/PEA/416
International application No. PCT/EP2004/010130		International filing date (day/month/year) 10.09.2004	Priority date (day/month/year) 01.10.2003	
International Patent Classification (IPC) or national classification and IPC A23L1/24, A23L1/22, A23D7/005				
Applicant UNILEVER N.V. et al.				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau) a total of 3 sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4. of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application.</p>				
Date of submission of the demand 25.04.2005		Date of completion of this report 13.01.2006		
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer Smeets, D Telephone No: +49 89 2399-7492		



**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2004/010130

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-19 as originally filed

Claims, Numbers

1-14 as originally filed

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2004/010130

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	10
	No: Claims	1
Inventive step (IS)	Yes: Claims	
	No: Claims	1-10
Industrial applicability (IA)	Yes: Claims	1-10
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

Reference is made to the following documents:

- D1: US 2001/016219 A1 (ASKMAN LARS ET AL) 23 August 2001 (2001-08-23)
- D2: EP-A-0 533 959 (FRISCO FINDUS AG) 31 March 1993 (1993-03-31)
- D3: US-B1-6 586 033 (BAUER ROLAND ET AL) 1 July 2003 (2003-07-01)
- D4: EP-A-0 955 246 (NESTLE SA) 10 November 1999 (1999-11-10)
- D5: US-B1-6 524 636 (CLEMENTS ROBERT G ET AL) 25 February 2003 (2003-02-25)
- D6: US-B1-6 488 973 (WRIGHT LEAH KAY) 3 December 2002 (2002-12-03)
- D7: US-A-5 008 124 (WILSON MILDRED N) 16 April 1991 (1991-04-16)
- D8: EP-A-0 558 832 (UNILEVER PLC ;UNILEVER NV (NL)) 8 September 1993 (1993-09-08)
- D9: US 2002/022074 A1 (TOMLINSON GERALD J) 21 February 2002 (2002-02-21)

1 Novelty - Article 33(1) and (2) PCT

First of all, it is pointed out that the subject-matter of claim 1 must be interpreted in its broadest sense.

The expressions "for preparing", "for cooking", "for contacting" must be regarded as suitable for preparing, cooking and contacting.

Furthermore, the meaning of "salad" must be regarded as any food composition comprising some kind of vegetable.

The Applicant's argument that a salad is implicitly "cold" cannot be followed as it is common to include hot pieces of meat into a salad.

There is no also well-established international directive which defines clearly and unambiguously when an ordinary meal comprises enough vegetables to be considered as a "salad".

Actually, claim 1 does not even refer to a salad but merely indicates that the ingredients of the "kit" must be suitable for preparing a salad.

The subject-matter of claim 1 is not novel in view of D1 (example; fig. 1)

Said example discloses a meal comprising

i) meat, which is cooked

ii) potatoes

iii) tomato sauce (60 g)

Tomato sauce comprises implicitly between 1 and 40% wt. fat and more than 5% flavours and is suitable for cooking the meat.

iv) béarnaise sauce (90 g)

Béarnaise sauce is an O/W emulsion comprising implicitly less than 60% fat; this sauce is also suitable for contacting with the potatoes.

All ingredients of this meal are suitable for preparing a salad.

2 Inventive Step - Article 33(1) and (3) PCT

The subject-matter of claims 1-10 does not involve an inventive step.

The subject-matter of claims 2-9, insofar as not directly disclosed in D1, merely relates to constructional features, obvious for the skilled person.

Paragraph 3 of D9 is considered to represent the closest prior art for the subject-matter of claim 10.

Said document indicates that packaged individual food portions composed of pieces of solid food are very popular and can be provided in a wide variety of compositions, comprising different types of lettuce, vegetables, fruits and meats, as well as various salad dressings, sauces and gravies.

Although not explicitly disclosed, one can assume that, when consuming these packaged foods, the vegetables will be contacted with the salad dressing and the meat will be contacted with the cooking composition (gravy or sauce).

The subject-matter of claim 10 therefore essentially differs from D9, in that sauces and salad dressings are used having a low fat content.

Thus, the objective technical problem can be seen as a method for preparing healthy salads from these packaged food portions.

Low caloric, low fat sauce mixes (see, e.g. D7) and low caloric-low fat dressings (see,

e.g. D8) are widely known from the prior art and will be selected when circumstances make it desirable.

In other words, the skilled person, starting from D9 (paragraph 3), facing the problem of lowering the fat content and/or caloric value of a salad, will choose the low caloric/low fat dressings and cooking compositions described in D7 and D8, without any inventive skill.

The combination of a low fat/low caloric dressing and a low fat/low caloric cooking composition does not provide any unexpected advantage; moreover, the dressing and the cooking composition have separate functions in the salad. Therefore, the skilled person, starting from paragraph 3 of D9, does not need a suggestion in D7 or D8 to combine dressings with cooking compositions as he already knows this from D9 (paragraph 3).

The skilled person is aware of low caloric dressings and cooking compositions and their combined use merely provides the expected nutritional contribution which is exactly the sum of the nutritional contribution of the individual ingredients.

Thus, the subject-matter of claim 10 cannot be considered inventive in view of D9 in combination with D7 and D8.

Claims

1. A kit for preparing salads comprising at least one ingredient (I) which is cooked and at least one fruit, vegetable or cereal product, wherein the kit comprises;
 - a) a cooking composition comprising 1 to 40%wt of fat and flavouring agents in an amount of from 5 to 100% by weight, based on the weight of the cooking composition, for cooking ingredient (I), and
 - b) a salad dressing for contacting with the at least one fruit, vegetable or cereal product, which salad dressing comprises 60%wt or less fat based on the weight of the salad dressing andwherein the salad dressing is an oil-in-water emulsion and the weight ratio of the amount of cooking composition a) to the amount of salad dressing b) is in the range of from 1:20 to 2:1 based on the total weight of the cooking composition a) and salad dressing b).
2. A kit according to claim 1, wherein the cooking composition comprises less than 5%wt of hardened fats, based on the weight of the fat in the composition.
3. A kit according to either one of claims 1 or 2, wherein the cooking composition comprises up to 30%wt fat.
4. A kit according to any one of the preceding claims, wherein the cooking composition comprises flavouring agents in an amount of from 10 to 90%wt.
5. A kit according to any one of the preceding claims, wherein the salad dressing comprises 10 to 40% wt fat.

6. A kit according to any one of the preceding claims, wherein both the cooking composition and the salad dressing comprise fat and the weight ratio of fat in the cooking composition to fat in the salad dressing is in the range of from 2:1 to 1:300.
7. A kit according to any one of the preceding claims, wherein the total fat content of the cooking composition and the salad dressing combined is in the range of from 5 to 50 %wt.
8. A kit according to any one of the preceding claims, wherein the at least one cooked ingredient (I) is chicken, egg, meat, fish, a vegetable-derived protein source, cooked fruit, cooked vegetables or cooked bread.
9. A kit according to any one of the preceding claims, wherein the at least one fruit, vegetable or cereal product comprises salad leaves, a salad vegetable, pasta, rice, couscous.
10. A process for preparing a salad comprising at least one ingredient which is cooked and at least one fruit, vegetable or cereal product, the process comprising the steps of 1) cooking the at least one ingredient in a cooking composition comprising 1 to 40%wt of fat and flavouring agents in an amount of from 5 to 100% by weight, based on the weight of the cooking composition, to produce at least one cooked ingredient (I), and 2) contacting the at least one fruit, vegetable or cereal product with a salad dressing comprising from 60%wt or less fat and 3) mixing the at least one cooked ingredient (I) with the at least one fruit, vegetable or

22

cereal product before, during or after the fruit, vegetable or cereal product is mixed with the salad dressing and wherein the cooking composition and the salad dressing are provided as a kit for preparing a salad.